

REMARKS

OVERVIEW

Claims 1-8 and 11-47 are pending in this application. Claims 45-47 are new. The present response is an earnest effort to place all claims in proper form for immediate allowance.

ELECTION/RESTRICTION REQUIREMENT

The Applicant notes that the Examiner has withdrawn claims 21-34 from consideration as being directed towards a non-elected invention. The Applicant reserves the right to pursue these claims in a Continuation application.

ISSUES UNDER 35 U.S.C. § 112

The Examiner has rejected claims 17 and 35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner takes issue with the use of the term "file allocation table." The Applicant's use of the term is not repugnant to the usual meaning of the term. In either Applicant's use of the Examiner's dictionary definition, the "file allocation table" is used to keep track of where information is stored or otherwise found. To clarify, however, the Applicant has amended claims 17, 35, and dependent claims to refer to a "linear file allocation table." Therefore, it is respectfully submitted that the Examiner's rejections should be withdrawn.

ISSUES UNDER 35 U.S.C. § 101

Claims 1-5 have been rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. Claims 1-5 have been amended. These claims are now directed towards a methodology and it is respectfully submitted that these rejections should now be withdrawn as the methodology provides for concrete, tangible results.

ISSUES UNDER 35 U.S.C. § 102

The Examiner has rejected claims 35, 38-41 and 43 as being anticipated by U.S. Patent No. 6,438,140 to Jungers. In addition, The Examiner incorporates from a previous Office Action the rejection to claim 6, 15, and 16. It is respectfully submitted that these rejections should be withdrawn.

The Examiner believes that Jungers discloses a transport stream and therefore anticipates. The Applicants understand that Jungers describes using a "transport stream" but not in the manner of the Applicants' claimed invention. Jungers does not disclose that transport stream information is a part of the data structure. The Examiner argues that "The data stream of Jungers is a transport stream." (Office Action, Paper Number 5, p. 3). The Examiner fails to recognize the fundamental difference in the layers of Applicants' claimed invention and the layers of Jungers and the effect of providing a data structure that includes pulse position information.

The data structure of Jungers simply does not describe where (or perhaps more accurately, "when") within a transmission, particular information is found. Rather, the data structure of Jungers describes the location of data within the data structure—not the location of data within a transmission.

It should be clear that contrary to the Examiner's assertion, the data stream of Jungers is not the transport stream. For example, column 5, lines 1-7, describe that:

"It is important to note that, at least for the data stream DATA, transport stream demultiplexer 230 operates to discard those messages or segments that are found to contain errors (e.g., those messages or errors that do not pass a CRC checksum test). Thus, the data stream DATA comprises only those messages or segments that were not discarded by the transport multiplexer 230." (Column 5, lines 1-7).

The location information within a data structure of the data stream does not provide the location of data within a transmission. The transport stream is a separate layer that includes a checksum. Thus, any location information stored within the data structure does not indicate a location or position of data within a transmission.

It should also be clear from Jungers that the data structures of the data layer are separate and distinct from the transport stream. This is further evidenced at column 13, lines 43-46, where Jungers discloses:

"At step 765 the data structure or data stream formed at step 760 is converted into a transport stream, illustratively, an MPEG2 transport stream or other suitable transport stream."

Thus, because Jungers operates with an MPEG2 transport stream or other suitable transport stream, it is clear that the data stream of Jungers is independent of the transport stream. Thus any location information within the data structure of Jungers can not be understood to indicate a position of data within a transmission—but merely the position of data within the data structure.

This difference in the layers of the Applicant's claimed invention provides distinct advantages over Jungers. The Applicant's claimed invention can be thought of as being "pre-packetized" (specification, p. 19, line 9) in that there is not the overhead associated with Jungers or the separate layers of Jungers. Furthermore, when the transmissions are repeating, the Applicant's invention would not require the amount of buffering of memory allocation that would be required by Jungers, because the receiving device can access the data more directly without first receiving the data and extracting the data from the packets.

With respect to claim 6, claim 6 explicitly requires "writing a linear file allocation table giving the name of the field and location within a transmission at which the field contents start

and stop." Thus, claim 6 can not be anticipated by Jungers because Jungers does not disclose this limitation as the location within the data structure of Jungers is not the same as the location within a transmission. Thus, this rejection should be withdrawn. As claims 15 and 16 depend from claim 6, this rejection should also be withdrawn.

With respect to claim 35, claim 35 has been amended to explicitly add the limitation of "without separately packetizing the data fields." It is respectfully submitted that this limitation further clarifies the differences and advantages the present invention has over Jungers. Because the data of claim 35 is not separately packetized, there is less overhead in the extraction process. For example, the receiver would know where to find the data based on its position information in the transmission so would not need to store or buffer all the data received. Therefore, it is respectfully submitted that this rejection should be withdrawn. As claims 38-41 and 43 depend from claim 35, it is respectfully submitted that these rejections should also be withdrawn.

ISSUES UNDER 35 U.S.C. § 103

Claims 17 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,357,634 to Chung. This rejection is respectfully traversed. The Examiner indicates that "...the duration information is equivalent to the claimed pulse start information." (Office action, paper no. 5, page 10, numbered paragraph 8). Claim 17 explicitly requires "pulse start and end information." The duration information of Chung is not the same.

Chung is directed towards a method and apparatus for encoding and decoding digital information upon a recording medium using the time interval between adjacent pairs of pulses (abstract). The basic underpinnings of Chung appear to be best shown in Figure 1 which illustrates how different symbols can be represented by different time intervals between adjacent

pairs of pulses in an encoding scheme. Chung does not disclose the step of "identifying the fields in a linear file allocation table including pulse start and end information for each of the fields." The time intervals of Chung are not a part of a linear file allocation table. The time intervals between pulses in Chung represent the data. In the applicant's invention, the pulse start and end information relates to the location of each field of data. Therefore Chung can not anticipate and this rejection to claim 17 should be withdrawn. As claim 20 depends from claim 17, this rejection should also be withdrawn.

Claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,357,634 to Chung in view of *Data and Computer Communications* by William Stallings. Claim 18 depends from claim 17. For the reasons previously expressed, Chung is deficient, and therefore this rejection should also be withdrawn.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,357,634 to Chung in view of U.S. Patent No. 5,818,442 to Adamson. Claim 19 depends from claim 17. For the reasons previously expressed, Chung is deficient, and therefore this rejection should also be withdrawn.

Claim 36 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jungers in view of Stallings. Claim 36 depends from claim 35. For the reasons previously expressed, Jungers is deficient, and therefore this rejection should also be withdrawn.

Claim 37 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jungers in view of Adamson. Claim 37 depends from claim 35. For the reasons previously expressed, Jungers is deficient, and therefore this rejection should also be withdrawn.

Claims 42 and 44 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Jungers in view of U. S. Patent No. 6,031,862 to Fullerton. Claims 42 and 44 depend from claim

35. For the reasons previously expressed, Jungers is deficient, and therefore this rejection should also be withdrawn. In addition, Fullerton does not disclose the step of transmitting over guided media. Fullerton relates to radio transmissions, not transmissions over guided media. The Examiner cites to col. 2, lines 20-55 and col. 13, lines 20-25, but these passages appear to relate only to radio transmissions. It is noted that the word "cable" appears in col. 13, lines 20-25, but from the context of its use, it appears that a transcription error was made and that the word intended to be used was "capable", because otherwise the passage does not make sense.

Claims 1 through 5, 7-8, and 11 were rejected under Jungers in view of Fullerton (rejections incorporated from Office Action of October 9, 2002, page 6, numbered paragraph 6). Claim 1 has been amended. Jungers is deficient in that Jungers does not disclose " providing a linear file allocation table including a field name for one or more subdivisions of data and pulse start and end position information for each of the field names." Even if one were motivated to combine Fullerton and Jungers, the combination would not yield the Applicant's claimed invention because Jungers separates the data and transport layers as previously discussed. Therefore this rejection to claim 1 should be withdrawn. As claims 2-5 depend from claim 1, these rejections should also be withdrawn. Claims 7-8 and 11 depend from claim 6. As previously expressed, Jungers is deficient with respect to claim 6. Therefore, these rejections to claims 7-8 and 11 should also be withdrawn.

Claims 12, 13, and 14 were rejected under Jungers in view of Pulsing with a Promise by Kevin Many (Maney). Claims 12-14 depend from claim 6. For the reasons previously expressed, Jungers is deficient with respect to claim 6. Therefore these rejections to claims 12-14 should also be withdrawn.

NEW CLAIMS

New claims 45-47 have been added. Support for these new claims should be apparent from the pending claims. These claims are directed towards variations of the present invention where the transmission medium is guided (i.e. wire) or non-guided (i.e. air).

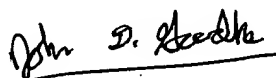
CONCLUSION

It is respectfully submitted that all claims are in proper form for immediate allowance..
Reconsideration and passage to issuance is respectfully requested.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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